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Written Testimony Opposing Raised Bill No. 6643
An Act Concerning the Failure of a Witness to Report a Serious Crime

Good afternoon Senator Coleman, Representative Fox and distinguished members of the Judiciary Committee. My name is David McGuire. As the Staff Attorney for the ACLU of Connecticut, I am here to oppose Raised Bill No. 6643, An Act Concerning the Failure of a Witness to Report a Serious Crime.

Reporting criminal activity can be an effective way to catch criminals and deter future criminal conduct. However, this bill goes too far by creating an affirmative duty for every person in Connecticut who witnesses certain crimes to notify the police. Under this proposal failure to report is punishable by up to one year in prison. This bill violates Connecticut citizens' Constitutional rights and will ultimately be ineffective.

This bill violates citizens' right to due process by failing to provide them with clear and meaningful notice of which crimes must be reported. For example, under this bill a person is guilty of failure to report if they fail to notify law enforcement about "the assault...of another person that constitutes a felony." An average citizen will not be able to identify and classify criminal behavior, such as a misdemeanor assault versus a felony assault, in accordance with this bill. As such, this bill will violate the rights of Connecticut citizens by imposing criminal sanctions without providing proper notice through clear and concise reporting guidelines.

This proposal will be ineffective and likely counterproductive. Citizens will be less likely to report crimes for fear of prosecution and may even go so far as to deny any knowledge of a crime they witnessed and refuse to cooperate in an investigation. This will lead to fewer arrests of guilty suspects and could even result in wrongful arrests of innocent persons who may have been exculpated by a nearby witness.

The exceptions to the reporting requirements in this bill are inadequate. Beyond the three listed, there are many other legitimate reasons for a person to fail to report a crime. For example, witnesses may fear retaliation or non-physical injury to themselves or their relatives as a result of reporting a crime to police. This bill would also put victims of domestic violence in

a difficult and potentially dangerous situation. Witnesses may also face continuing trauma from witnessing a crime and feel unable to report it.

Encouraging citizens to report crimes is an important societal goal, a goal which can be achieved by more effective means. Measures such as ensuring the protection of witnesses who report crimes and strengthening the relationship between communities and law enforcement agencies would be more effective means of addressing this issue. Public safety will be greatly enhanced when witnesses are able to come forward without fear of prosecution and without incentive to lie.

For all of these important reasons, we urge the committee to reject Raised Bill No. 6643 and protect innocent witnesses from unnecessary prosecution.